

CAUSE NO. PD – 1043-16

COURT OF CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
1/6/2017
ABEL ACOSTA, CLERK

JOHNTAY GIBSON, APPELLANT

VS.

THE STATE OF TEXAS, APPELLEE

**APPELLANT'S FIRST MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF**

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW JOHNTAY GIBSON, appellant, by and through his attorney of record, KURT B. WENTZ, who files this Appellant's First Motion for Extension of Time to File Appellant's Brief and in support thereof would show this Court as follows:

I.

The appellant was convicted of capital murder in a case in which the State did not seek the death penalty.

II.

On August 11, 2016 the 14th Court of Appeals at Houston affirmed the judgment of the trial court. No motion for rehearing was filed.

III.

On November 23, 2016 this Court granted the appellant's petition for discretionary review and ordered the appellant's brief thereon be filed by December 23, 2016.

IV.

The appellant's petition for discretionary review brief was not timely filed because of other year-end deadlines and court appearances seeking to conclude cases by the end of the year. Counsel also had previously scheduled out-of-state travel plans for the end of December that further compromised his ability to complete the appellant's brief.

V.

The appellant requests an extension of time to February 3, 2017 to file the appellant's brief.

VI.

There have been no prior requests for an extension of time to file the appellant's brief in this cause. This motion is not intended for the purpose of delay but only so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, the appellant requests that this Court extend the time for filing the appellant's brief to February 2, 2017.

Respectfully submitted,

/s/Kurt B. Wentz

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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of this motion was delivered to the Assistant District Attorney for Harris County, Texas presently handling this Cause on the 4th day of January, 2017.

/s/Kurt B. Wentz
KURT B. WENTZ